

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rio Tinto plc,

Plaintiff,

v.

Vale S.A., Benjamin Steinmetz, BSG
Resources Limited, VBG–Vale BSGR Limited
aka BSG Resources (Guinea) Ltd. aka
BSG Resources Guinée Ltd, BSG Resources
Guinée SARL aka BSG Resources (Guinea)
SARL aka VBG-Vale BSGR, Frederic Cilins,
Mamadie Touré, and Mahmoud Thiam,

Defendants.

Civil Action No. 14-cv-3042 (RMB)

**REQUEST FOR ENTRY
OF DEFAULT AGAINST
DEFENDANT FREDERIC CILINS**

Pursuant to Federal Rule of Civil Procedure 55(a), and Local Civil Rule 55.1, Plaintiff Rio Tinto plc (“Rio Tinto”) requests that the Clerk of the above-entitled Court enter an order of default in this matter against Defendant Frederic Cilins. Defendant Cilins has failed to appear or otherwise respond to Rio Tinto’s original Complaint (served on May 29, 2014) or Amended Complaint (served on September 17, 2014) within the time prescribed by the Fed. R. Civ. P. 12(a)(1)(A)(i). Rio Tinto further requests that the Clerk deem Rio Tinto’s service of process as appropriate and satisfied: Rio Tinto has served Defendant Cilins by personal delivery with both the original and Amended Complaint, as more fully described in Paragraphs 8 and 9 of the Affidavit in Support of Request for Entry of Default appended hereto. *See* Ex. A (Dkt. 37, June 4, 2014 Sheriff’s Certificate of Service); and Ex. B (Dkt. 90, Sept. 17, 2014 Sheriff’s Return).

Defendant Cilins has not appeared or otherwise responded as of January 6, 2014. Nor has Defendant Cilins responded to Rio Tinto’s additional attempts to engage him, through letters sent directly to Defendant Cilins (Ex. C (Plaintiff’s July 1, 2014 First Requests for Production);

Ex. D (Plaintiff's July 1, 2014 First Set of Interrogatories); Ex. E (Oct. 22, 2014 Certified Letter to Defendant Cilins with Return Receipt); Ex. F (Dec. 23, 2014 Certified Letter to Defendant Cilins with Return Receipt)) and to Defendant Cilins' attorney of record, Mr. William Schwartz, in his previous criminal proceeding (Ex. G (Plaintiff's May 6, 2014 Letter to William J. Schwartz, Esq.)). Additionally, Rio Tinto notified Defendant Cilins by letter on December 23, 2014 that it would be seeking an entry of default against him. Ex. F.

Accordingly, Rio Tinto respectfully requests that the Clerk issue a Certificate of Default as to Defendant Cilins.

DATED: Washington, D.C.

January 6, 2014.

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By:  _____

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